## DECLARATION OF ALLYSON HIMELFARB
## PURSUANT TO 28 U.S.C. § 1746

I, Allyson Himelfarb, hereby state that I have personal knowledge of the facts set forth

below.  If called as a witness, I could and would testify as follows:

### Introduction

1.       I am a citizen of the United States and am over the age of eighteen (18) years old.

I am employed as an Investigator with the Federal Trade Commission ("FTC" or "Commission")

in the Division of Marketing Practices, Bureau of Consumer Protection.  My office address is

600 Pennsylvania Ave., NW, Washington, DC 20580.

2.       I began working at the FTC in October 2001.  As part of my work, I research and

investigate persons and entities that may be violating the FTC Act, the Controlling the Assault of

Non-Solicited Pornography and Marketing Act of 2003 (the "CAN-SPAM Act"), and other laws

enforced by the Commission.  As part of my duties, I use Internet search engines, electronic

databases, and a variety of other computer-based investigative tools.  I am therefore familiar with

the use of the tools described in this declaration.

3.       In approximately December 2004, I was assigned to the Commission's

investigation of Impulse Media Group, Inc. ("IMG"), an operator of an online affiliate program

called Soulcash that promotes and advertises dozens of adult entertainment Web sites.  The

Commission was investigating IMG because electronic mail ("email") messages promoting

IMG's adult websites had been identified as violating the CAN-SPAM Act and FTC's Adult

Labeling Rule.  These messages were identified in "Hotmail trap accounts" maintained by

Microsoft Corporation ("Microsoft").  I reviewed the identified email messages for the following

information:  (1) the company that owned or registered the adult website being promoted by the messages; (2) where possible, the individual or entity that physically sent the email messages ("affiliate"); (3) how many different affiliates sent email on IMG's behalf; (4) how many emails each affiliate sent; and (5) the number of recipients to which the emails were sent.  I also reviewed the email messages to determine whether they complied with the CAN-SPAM Act and the Adult Labeling Rule.  In doing so, I reviewed the email messages to determine if they contained the following:  (1) the phrase "SEXUALLY-EXPLICIT: " in the subject line and initially-viewable area of the message; (2) sexually-explicit text or images within the initially-viewable area of the message; (3) a notice to opt-out and/or an opt-out mechanism within the initially-viewable area; and (4) a valid physical postal address for IMG within the initially-viewable area.

4.        As stated in the declaration of Microsoft employee David Vetter, Microsoft owns and maintains a substantial number of Hotmail trap accounts to help in determining whether incoming mail complies with the Terms of Use and Anti-Spam Policy for its MSN and MSN Hotmail services.  As Mr. Vetter attests, Microsoft has not provided the email address of any Hotmail trap account to any person or entity for any marketing purpose and has not given its consent to anyone to send email messages to any trap account.

5.        Throughout the course of the investigation, FTC staff periodically asked Microsoft to search its Hotmail trap accounts for email messages containing specific words, phrases, or domain names related to IMG, or for specific words, phrases, or domain names found in sexually-explicit messages.  Microsoft subsequently searched its Hotmail trap accounts for email messages containing the requested terms and produced the results of those searches to the

FTC.  For each email message Microsoft identified in its Hotmail trap accounts, it typically

provided two files to the FTC:  (1) a file in Internet E-Mail Message format, which has a ".eml"

extension and (2) a file in Portable Document Format, which has a ".pdf" extension.  The files

with a .eml extension show the email messages' encoding or "source code," whereas the .pdf

files preserve the content of the email messages, including any images displayed in the

messages.  The source code shows the user the makeup of the email message, such as font styles

and sizes, images, hyperlinks, and the general formatting of the document.  For this case, I

reviewed the source code of the .eml files in order to identify the Uniform Resource Locators or

"URLs" contained in the email messages.  A URL is a unique address of a specific file or web

page on the Internet.  A URL is comprised of the name of the protocol to be used to access the

file (the protocol is commonly "HTTP"), a domain name that identifies a specific computer on

the Internet, and a pathname, a hierarchical description that specifies the location of the file on

that computer.  In the emails that I reviewed, typically one URL identified the hyperlink that the

recipient would click to access the adult website being promoted by the email message.  This

URL is commonly referred to as the "hyperlink reference," and is typically signified by the

identifier "href" in an email message's source code.  According to the declaration of Preston

Gates & Ellis, LLP employee Chad Bundy, Microsoft used these hyperlink reference URLs to

perform "web captures."  The web captures preserved the web page that a user would be directed

to upon clicking the hyperlink reference URL.

      6.      I reviewed the emails produced by Microsoft to the FTC.  In most instances, I first

reviewed the .pdf version of the email to determine whether the message contained sexually-

explicit material, and if so, whether the message violated the CAN-SPAM Act and the Adult

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Labeling Rule.  Next, I reviewed the .eml version of the same message in order to access the

underlying source code for the message.  From the source code, I identified the hyperlink

reference URL.  Then, I reviewed the web captures produced by Microsoft to see if Microsoft

had produced a web capture of the hyperlink reference URL contained in that message.  If

Microsoft had produced a web capture, I viewed it to determine the URL of the web page to

which a user was ultimately directed (the "web page URL"), and to confirm that the website was

in fact registered to IMG.  The web page URL often contained the affiliate identifier (the

"affiliate ID") assigned to the affiliate by IMG.  The affiliate ID is useful for grouping together

all emails sent by the same affiliate, as well as for determining how much IMG paid a given

affiliate.

        7.      Throughout the course of this investigation I reviewed hundreds of email

messages sent by five of IMG's affiliates.  I saved true and correct copies of these email

messages, in both .pdf and .eml formats, along with related web captures, onto a CD-ROM.  A

true and correct copy of this CD-ROM is included as **Government Exhibit 15** (hereinafter "Ex.

15").

        8.      I also relied on several documents produced by IMG.  Specifically, I relied on a

list of domain names that IMG produced in response to the United States of America's First

Request for Production of Documents, Request No. 15.  A true and correct copy of this

document is attached hereto as **Attachment A**.  I also relied on documents containing affiliate

payment information that IMG produced in response to the United States of America's First

Request for Production of Documents, Request No. 14, a true and correct copy which is included

as **Government Exhibit 11** (hereinafter, "Ex. 11").  This affiliate payment information covers

the period January 1, 2004 to December 30, 2005.  I relied on this information to determine how

much IMG paid the affiliates identified in this investigation.  Finally, I relied on a list of

terminated affiliates and related payment information that was produced as a part of IMG's

discovery to the Government.  A true and correct copy of this document is included as

**Government Exhibit 10** (hereinafter, "Ex. 10").

<p style="text-align:center;">**IMG Affiliate "zillium"**– Microsoft December 2004</p>

9.    In or around November 2004, the Commission requested that Microsoft search its

Hotmail trap accounts for messages containing search terms related to websites owned and

operated by IMG.  On or about December 7, 2004, Microsoft made its search results available to

FTC staff by uploading the results to an FTP server located at ftp://ftp.prestongates.com (the

"Preston Gates FTP server").  Using a user name and password provided to FTC staff, I accessed

the Preston Gates FTP server, downloaded the results to the hard drive of a computer in the

FTC's Internet lab, and subsequently saved the results to a CD-ROM.  Among the results

produced by Microsoft, I identified 22 email messages containing sexually-explicit material that

were sent by affiliate ID "zillium" in referring recipients to IMG's websites.  True and correct

copies of these 22 messages are included in the folder "Affiliate ID zillium-2004-Dec" on the

CD-ROM filed as Ex. 15.  These 22 messages were sent between September 8, 2004 and

September 10, 2004.  All 22 messages contained the same sexually-explicit images and the same

text within the body of the email message, although the subject line varied from message to

message.  In addition, these messages contained one of two hyperlink reference URLs:  20

messages contained the hyperlink reference URL http://www.gloryhole.vip7.com and the

remaining two messages contained the hyperlink reference URL

<p style="text-align:center;">5</p>

http://www.gloryhole.boxnet.net.  In paragraphs 10 and 11 below, I summarize and attach to this

declaration as **Attachments B and C**, two email messages, one representing each of the two

hyperlink reference URLs listed above.  I also explain that Microsoft web captures show that the

hyperlink reference URLs contained in these messages direct users to the website

gloryholestation.com, which is registered to IMG, and that in referring users to this site, this

affiliate used the affiliate ID zillium.

       10.      **Attachment B, pp. 1-3** hereto is a true and correct copy of an email message and

accompanying source code that was sent on September 8, 2004.  The source code of the attached

message shows that a hyperlink reference URL for this email message is:

http://www.gloryhole.vip7.com.  (To highlight this URL, I have drawn a rectangle around it on

p. 2 of Attachment B.)  I received a web capture of this URL from Microsoft, a true and correct

copy of which is located in the folder "http__www.gloryhole.vip7.com" on the CD-ROM filed

as Ex. 15.  **Attachment B, pp. 4-8** hereto is a true and correct copy of pages that I printed from

that web capture.  The web capture preserves the web page to which the hyperlink reference

URL contained in the email message redirected.  The URL for this web page (the "web page

URL") is www.gloryholestation.com/t2/pps=zillium/index.html.  (To highlight this web page

URL, I have drawn a rectangle around it on pp. 4 and 8 of Attachment B.)  The web page URL

includes the domain name gloryholestation.com.  The registration information for this domain

name, a true and correct copy of which is attached hereto as **Attachment B, pp. 9-10**, shows that

this domain name is registered to IMG.  (To highlight this registration information, I have drawn

a rectangle around it on p. 10 of Attachment B.)  The web page URL also includes the term

"pps=zillium," which is a reference to the IMG affiliate ID zillium.  In addition, the web capture

shows that the web page to which the attached message redirected contains copyright

information for IMG.  (To highlight this copyright information, I have drawn a rectangle around

it on p. 7 of Attachment B.)  The attached email message fails to include the required label

within the subject line or initially-viewable area of the message; contains sexually-explicit

material within the initially-viewable area of the message; fails to include a valid physical postal

address for IMG; and fails to include an opt-out mechanism.  I identified a total of 20 messages

(including the one email detailed above) that contained the same sexually-explicit images, the

same hyperlink reference URL, and the same general formatting as the attached email message.

As with the attached email described in this paragraph, each of the other 19 emails in this group

also fails to include the required label with the subject line; contains sexually-explicit material

within the initially-viewable area of the message; fails to include a valid physical postal address

for IMG; and fails to include an opt-out mechanism.

    11.    **Attachment C, pp. 1-2** hereto is a true and correct copy of an email message and

accompanying source code that was sent on September 9, 2004.  The source code of the attached

message shows that a hyperlink reference URL for this email message is:

http://www.gloryhole.boxnet.net.  (To highlight this URL, I have drawn a rectangle around it on

p. 2 of Attachment C.)  I received a web capture of this URL from Microsoft, a true and correct

copy of which is located in the folder "http__www.gloryhole.boxnet.net" on the CD-ROM filed

as Ex. 15.  **Attachment C, pp. 3-6** hereto is a true and correct copy of pages that I printed from

that web capture.  The web capture preserved the web page to which the hyperlink reference

URL contained in the attached email message redirected.  That "web page URL" is

www.gloryholestation.com/t1/pps2=zillium/index.html.  (To highlight this web page URL, I

have drawn a rectangle around it on pp. 3 and 6 of Attachment C.)  The web page URL includes

the domain name gloryholestation.com, which as discussed in paragraph 10 above is registered

to IMG.  The web page URL also includes the term "pps2=zillium ," which again includes a

reference to the IMG affiliate ID zillium.  In addition, the web capture shows that the web page

to which the attached message redirected contains copyright information for IMG.  (To highlight

this copyright information, I have drawn a rectangle around it on p. 5 of Attachment C.)  The

attached email message fails to include the required label within the subject line or initially-

viewable area of the message; contains sexually-explicit material within the initially-viewable

area of the message; fails to include a valid physical postal address for IMG; and fails to include

an opt-out mechanism.  I identified a total of two messages (including the one email detailed

above) that contained the same sexually-explicit images, the same hyperlink reference URL, and

the same general formatting as the attached email message.  As with the attached email described

in this paragraph, the other email in this group also fails to include the required label with the

subject line; contains sexually-explicit material within the initially-viewable area of the message;

fails to include a valid physical postal address for IMG; and fails to include an opt-out

mechanism.

> 12.    I reviewed the affiliate payment information produced by IMG, but was unable to
locate any payment information for affiliate ID zillium.

### IMG Affiliate "b32day"

> 13.    Among the results produced by Microsoft in December 2004, I identified 12
email messages containing sexually-explicit material that were sent by affiliate ID "b32day" in

referring recipients to IMG's websites.  These messages were sent between July 6, 2004 and July

18, 2004, and promoted one of four IMG websites, as outlined in the table below:

| IMG website Promoted | Number of Messages | See Attachment |
|---|---|---|
| blacksdowhites.com | 2 | **D** |
| gloryholestation.com | 2 | **E** |
| jizzlickers.com | 4 | **F** |
| melodyhart.com | 4 | **G** |

     14.    True and correct copies of these 12 messages are included in the folder "Affiliate ID b32day" on the CD-ROM included as Ex. 15.  I have grouped the email messages into sub-folders based on the website that each message promoted.  In paragraphs 15 through 18 below, I summarize and attach to this declaration as **Attachments D through G**, four representative email messages, one for each website promoted by the messages.  I also explain that Microsoft web captures show that the hyperlink reference URLs contained in these email messages direct users to sites registered to IMG, and that in referring users to these sites, this affiliate used the affiliate ID b32day.

     15.    **Attachment D, pp. 1-3** hereto is a true and correct copy of an email message and accompanying source code that was sent on July 6, 2004.  This message promotes the website blacksdowhites.com.  The source code of the attached message shows that it contains the following hyperlink reference URL:  http://myinternetsoftware.com/w27/slc/bdw1/index.html. (To highlight this URL, I have drawn a rectangle around it on p. 2 of Attachment D.)  I received a web capture of this hyperlink reference URL from Microsoft, a true and correct copy of which is located in the folder "http__myinternetsoftware.com_w27_slc_bdw1_index.html" on the CD-ROM included as Ex. 15.  **Attachment D, pp. 4-8** hereto is a true and correct copy of pages that I printed from that web capture.  The web capture preserves the web page to which the hyperlink

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reference URL contained in the email message redirected.  That "web page URL" is

www.blacksdowhites.com/t1/pps=b32day/index.html.  (To highlight the web page URL, I have

drawn a rectangle around it on pp. 4 and 8 of Attachment D.)  The web page URL includes the

domain name blacksdowhites.com (the same website promoted by the message).  **Attachment**

**D, pp. 9-10** hereto is a true and correct copy (with FTC login information redacted) of the

registration information for blacksdowhites.com, which shows that this domain name is

registered to IMG.  (To highlight this registration information, I have drawn a rectangle around it

on p. 10 of Attachment D.)  This domain name also appears on the list of domain names

produced by IMG (see Attachment A, page 1).  The web page URL also includes the term

"pps=b32day," which includes a reference to the IMG affiliate ID "b32day."  In addition, the

web capture shows that the web page to which the attached message redirected contains

copyright information for IMG.  (To highlight this copyright information, I have drawn a

rectangle around it on p. 7 of Attachment D.)  The attached email message fails to include the

required label within the subject line or initially-viewable area of the message; contains sexually-

explicit material within the initially-viewable area of the message; fails to include a valid

physical postal address for IMG; and fails to include an opt-out mechanism within the initially-

viewable area.  I identified a total of two email messages (including the one email detailed

above) that contained the same sexually-explicit material, the same hyperlink reference URL,

and the same general formatting as the attached email message.  As with the attached email

described in this paragraph, the other email in this group also fails to include the required label

with the subject line; contains sexually-explicit material within the initially-viewable area of the

message; fails to include a valid physical postal address for IMG; and fails to include an opt-out

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mechanism within the initially-viewable area.

16.    **Attachment E, pp. 1-4** hereto is a true and correct copy of an email message and accompanying source code that was sent on July 13, 2004.  This message promotes the website gloryholestation.com, which is registered to IMG.  The source code of the attached message shows that it contains the following hyperlink reference URL: http://softwareforsurfers.com/w27/slc/ghs3/index.html.  (To highlight this URL, I have drawn a rectangle around it on p. 3 of Attachment E.)  I received a web capture of this hyperlink reference URL from Microsoft, a true and correct copy of which is located in the folder "http___softwareforsurfers.com_w27_slc_ghs3_index.html" on the CD-ROM included as Ex. 15.  **Attachment E, pp. 5-8** hereto is a true and correct copy of pages that I printed from that web capture.  The web capture preserves the web page to which the hyperlink reference URL contained in the email message redirected.  That "web page URL" is www.gloryholestation.com/t1/pps=b32day/index.html.  (To highlight the web page URL, I have drawn a rectangle around it on pp. 5 and 8 of Attachment E.)  The web page URL includes the domain name gloryholestation.com (the same website promoted by the message), which, as discussed in paragraph 10 above, is registered to IMG.  The web page URL also includes the term"pps=b32day," which again includes a reference to the IMG affiliate ID "b32day."  In addition, the web capture shows that the web page to which the attached message redirected contains copyright information for IMG.  (To highlight this copyright information, I have drawn a rectangle around it on p. 7 of Attachment E.)  The attached email message fails to include the required label within the subject line or initially-viewable area of the message; contains sexually-explicit material within the initially-viewable area of the message; fails to include a valid

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physical postal address for IMG, and fails to include an opt-out mechanism within the initially-viewable area.  I identified a total of two email messages (including the one email detailed above) that contained sexually-explicit material, the same hyperlink reference URL, and the same general formatting as the attached message.  As with the attached email described in this paragraph, the other email in this group also fails to include the required label with the subject line; contains sexually-explicit material within the initially-viewable area of the message; fails to include a valid physical postal address for IMG; and fails to include an opt-out mechanism within the initially-viewable area.

17.    **Attachment F, pp. 1-3** hereto is a true and correct copy of an email message and accompanying source code that was sent on July 19, 2004.  This message promotes the website jizzlickers.com.  The source code of the attached message shows that it contains the following hyperlink reference URL:  http://software-help.com/w27/slc/jizl2/index.html.  (To highlight this URL, I have drawn a rectangle around it on p. 2 of Attachment F.)  I received a web capture of this hyperlink reference URL from Microsoft, a true and correct copy of which is located in the folder "http___software-help.com_w27_slc_jizl2_index.html" on the CD-ROM included as Ex. 15.  **Attachment F, pp. 4-9** hereto is a true and correct copy of pages that I printed from that web capture.  The web capture preserves the web page to which the hyperlink reference URL contained in the email message redirected.  That "web page URL" is www.jizzlickers.com/t1/pps=b32day/index.html.  (To highlight the web page URL, I have drawn a rectangle around it on pp. 4 and 9 of Attachment F.)  The web page URL includes the domain name jizzlickers.com (the same website promoted by the message).  **Attachment F, pp. 10-11** hereto is a true and correct copy (with FTC login information redacted) of the registration

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information for jizzlickers.com, which shows that this domain name is registered to IMG. (To highlight the registration information, I have drawn a rectangle around it on p. 11 of Attachment F.) This domain name also appears on the list of domain names produced by IMG (see Attachment A, page 3). The web page URL also includes the term "pps=b32day," which again includes a reference to the IMG affiliate ID "b32day." In addition, the web capture shows that the web page to which the attached message redirected contains copyright information for IMG. (To highlight this copyright information, I have drawn a rectangle around it on p. 7 of Attachment F.) The attached email message fails to include the required label within the subject line or initially-viewable area of the message; contains sexually-explicit material within the initially-viewable area of the message; fails to include a valid physical postal address for IMG; and fails to contain an opt-out mechanism within the initially-viewable area. I identified a total of four email messages (including the one email detailed above) that contained the same sexually-explicit material, the same hyperlink reference URL, and the same general formatting as the attached message. As with the attached email described in this paragraph, each of the other three emails in this group also fails to include the required label with the subject line; contains sexually-explicit material within the initially-viewable area of the message; fails to include a valid physical postal address for IMG; and fails to include an opt-out mechanism within the initially-viewable area.

18.    **Attachment G, pp. 1-3** hereto is a true and correct copy of an email message and accompanying source code that was sent on July 19, 2004. This message promotes the website melodyhart.com. The source code of the attached message shows that it contains the following hyperlink reference URL: http://software-help.com/w27/slc/meha4/index.html. (To highlight

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this URL, I have drawn a rectangle around it on p. 2 of Attachment G.)  I received a web capture

of this hyperlink reference URL from Microsoft, a true and correct copy of which is located in

the folder "http___software-help.com_w27_slc_meha4_index.html" on the CD-ROM included

as Ex. 15.  **Attachment G, pp. 4-7** hereto is a true and correct copy of pages that I printed from

that web capture.  The web capture preserves the web page to which the hyperlink reference

URL contained in the email message immediately redirected.  That "web page URL"

www.melodyhart.com/t1/pps=b32day/index.html.  (To highlight the web page URL, I have

drawn a rectangle around it on pp. 4 and 7 of Attachment G.)  The web page URL includes the

domain name melodyhart.com (the same website promoted by the message).  **Attachment G,**

**pp. 8-9** hereto is a true and correct copy (with FTC login information redacted) of the

registration information for melodyhart.com, which shows that this domain name is registered to

IMG.  (To highlight this registration information, I have drawn a rectangle around it on p. 8 of

Attachment G.)  This domain name also appears on the list of domain names produced by IMG

(see Attachment A, page 3).  The web page URL also includes the term "pps=b32day," which

again includes a reference to the IMG affiliate ID "b32day."  In addition, the web capture shows

that the web page to which the attached message redirected contains copyright information for

IMG.  (To highlight this copyright information, I have drawn a rectangle around it on p. 6 of

Attachment G.)  The attached email message fails to include the required label within the subject

line or initially-viewable area of the message; contains sexually-explicit material within the

initially-viewable area of the message; fails to include a valid physical postal address for IMG;

and fails to contain an opt-out mechanism within the initially-viewable area.  I identified a total

of four email messages (including the one email detailed above) that contained the same

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sexually-explicit material, the same hyperlink reference URL, and the same general formatting as the attached message.  As with the attached email described in this paragraph, each of the other three emails in this group also fails to include the required label with the subject line; contains sexually-explicit material within the initially-viewable area of the message; fails to include a valid physical postal address for IMG; and fails to include an opt-out mechanism within the initially-viewable area.

19.     According to the affiliate payment information produced by IMG, IMG paid $1,634.97 to affiliate ID b32day.  See Ex. 11.

**IMG Affiliate "scorpion"**

20.     Among the results produced by Microsoft in December 2004, I identified 355 email messages containing sexually-explicit material that were sent by affiliate ID "scorpion" in referring recipients to IMG's websites.  These messages were sent between May 28, 2004 and August 2, 2004, and promoted one of four IMG websites, as outlined in the table below:

| IMG website Promoted | Number of Messages | See Attachment(s) |
|---|---|---|
| funtit.com | 79 | **H, I, J** |
| gloryholestation.com | 68 | **K** |
| jizzlickers.com | 45 | **L** |
| tastytranny.com | 163 | **M, N** |
| **Total** | **355** | |

21.     The hyperlink reference URLs contained in the "scorpion" emails follow a similar pattern.  To illustrate this pattern, below I have listed the hyperlink reference URLs discussed in the following paragraphs along with the website each message promoted (and to which it ultimately directed):

| Hyperlink Reference URL | Website Promoted |
|---|---|
| http://erwfe.chattham.com/n/soul/fun/main.html | funtit.com (image 1) |
| http://azucoum.undermylip.com/n/soul/fun/main.html | funtit.com (image 2) |
| http://art.fair-use24.com/n/eur/soul/fun/main2.html | funtit.com (image 3) |
| http://idsau.1-discontinue.com/n/soul/hole/main.html | gloryholestation.com |
| http://mowrtu.yardsailing.com/n/soul/jizz/main.html | jizzlickers.com |
| http://gpio.candlesword.com/n/soul/tran/main.html | tastytranny.com (image 1) |
| http://vecbch.light-formula.com/n/soul/tran/main.html | tastytranny.com (image 2) |

22.    Based on my review of the URLs contained in the "scorpion" email messages, I determined that the hyperlink reference URLs typically contained the following information: (1) a domain name; (2) the letter "n"; (3) the word "soul"; (4) an identifier corresponding to the website promoted by the message (the "website ID"); and (5) the extension "main.html" or "main2.html." I identified four website IDs: "fun" corresponded to funtit.com; "hole" corresponded to gloryholestation.com; "jizz" corresponded to jizzlickers.com; and "tran" corresponded to tastytranny.com. What varied among the hyperlink reference URLs is the domain name used and the characters preceding the domain name or the "subdomain." In the table above, seven unique domain names were used: chattham.com, undermylip.com, fair-use24.com, 1-discontinue.com, yardsailing.com, candlesword.com, and light-formula.com. Essentially, the hyperlink reference URLs contained in the scorpion messages had the following format:

http://  [subdomain].[domain name]/   n/   soul/   [website ID]/   main (or main2).html.

In some instances, the hyperlink reference URL also contained the letters "eur." As the table above shows, three different hyperlink reference URLs promote the same website, funtit.com. I

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received one web capture relating to funtit.com.  I received one web capture related to

gloryholestation.com, one web capture related to jizzlickers.com, and one web capture related to

tastytranny.com.

 23. True and correct copies of these 355 email messages are included in the folder

"Affiliate ID scorpion" on the CD-ROM included as Ex. 15.  I have grouped the email messages

into sub-folders based on the website that each message promoted.  In some cases, the images

contained within the messages varied even though the website promoted by those message was

actually the same.  In these cases, I further grouped the email messages into sub-folders based on

the image contained in each message.  In paragraphs 24 through 30 below, I summarize and

attach to this declaration as **Attachments H through M** seven representative email messages:

three messages promoting the website funtit.com (each containing one of the three different

images that were used); one message promoting gloryholestation.com; one message promoting

jizzlickers.com, and two messages promoting tastytranny.com (each containing one of the two

different images that were used).  I also explain that Microsoft web captures show that the

hyperlink reference URLs contained in these email messages direct users to sites registered to

IMG, and that in referring users to these sites, this affiliate used the affiliate ID scorpion.

 24. Among the scorpion messages, 79 messages promoted the website funtit.com.  In

reviewing these messages, I discovered that one of three images was used in each message.  In

paragraphs 25 through 27 below, I summarize and attach to this declaration three email messages

that are representative of the three images contained within the messages promoting funtit.com.

 25. **Attachment H, pp. 1-3** hereto is a true and correct copy of an email message and

accompanying source code that was sent on June 26, 2004.  This message promotes the website

<div align="center">17</div>

funtit.com.  The source code of the attached message shows that it contains the following

hyperlink reference URL:  http://erwfe.chattham.com/n/soul/fun/main.html.  (To highlight this

URL, I have drawn a rectangle around it on p. 2 of Attachment H.)  I received a web capture of

this URL from Microsoft, a true and correct copy of which is located in the folder

"http___erwfe.chattham.com_n_soul_fun_main.html" on the CD-ROM included as Ex. 15.  A

true and correct copy of pages that I printed from that web capture and accompanying source

code is attached hereto as **Attachment H, pp. 4-5**.  The source code shows the HyperText

Markup Language or "HTML" encoding for the web capture.  The HTML shows that the web

capture was "mirrored" from erwfe.chattham.com/n/soul/fun/main.html, meaning that the web

capture preserves what a recipient would have seen when going to this page.  The source code of

this page further shows the following encoding:

**<META HTTP-EQUIV=REFRESH CONTENT="0;URL=http://www.funtit.com/t1/pps=scorpion/">**

This HTML code tells the web browser to "refresh" the current page within "0" seconds by

going to another web page, which is located at the URL http://www.funtit.com/t1/pps=scorpion/.

(To highlight this encoding, I have drawn a rectangle around it on p. 5 of Attachment H.)  The

HTML also shows the following:

**<A HREF="http://www.funtit.com/t1/pps=scorpion/">Click</A></font><BR><BR>**

This code tells the web browser that the word "Click" is a hyperlink, which when clicked directs

users to a web page located at the following URL (the "web page URL"):

http://www.funtit.com/t1/pps=scorpion/.  (To highlight this encoding, I have drawn a rectangle

around it on p. 5 of Attachment H.)  The web page URL includes the domain name funtit.com

(the same website promoted by the email message).  The registration information for this domain

name, a true and correct copy of which is attached hereto as **Attachment H, pp. 6-7,** shows that

this domain name is registered to IMG.  (To highlight this registration information, I have drawn

a rectangle around it on p. 6 of Attachment H.)  This domain name also appears on the list of

domain names produced by IMG (see Attachment A, page 2).  The web page URL also includes

the term "pps=scorpion," which includes a reference to the IMG affiliate ID "scorpion."  I

viewed this web capture in August 2006.  At that time, my web browser was immediately

directed not to the funtit.com site (as the code suggests), but to a web page located at

http://www.smut360.com/enter/fun-tit/pps/scorpion/.  A true and correct copy of the print-out of

that web page is attached hereto **Attachment H, pp. 8-10.**  (To highlight the URL for this web

page, I have drawn a rectangle around it on p. 8 of Attachment H.)  This URL includes the

domain name smut360.com.  The registration information for this domain name, a true and

correct copy of which is attached hereto as **Attachment H, pp. 11-12**, shows that this domain

name is registered to IMG.  (To highlight this registration information, I have drawn a rectangle

around it on p. 12 of Attachment H.)  The URL for this web page also includes a reference to the

affiliate ID scorpion.  The attached email message fails to include the required label within the

subject line or initially-viewable area of the message; contains sexually-explicit material within

the initially-viewable area of the message; and fails to include a valid physical postal address for

IMG.  In addition, the attached message contains an opt-out mechanism that appears *after* the

sexually-explicit material, rather than within the initially-viewable area of the message.  I

identified a total of 28 email messages (including the one email detailed above) that promoted

the IMG website funtit.com, and which contained the same sexually-explicit image and the same

general formatting as the attached message.  As with the attached email described in this

paragraph, each of the other 27 emails in this group also fails to include the required label with

the subject line; contains sexually-explicit material within the initially-viewable area of the

message; fails to include a valid physical postal address for IMG; and contains an opt-out

mechanism that appears after the sexually-explicit material.

26.    **Attachment I, pp. 1-3** hereto is a true and correct copy of an email message and

accompanying source code that was sent on July 1, 2004.  This message also promotes the

website funit.com, but contains a different image than that contained in the message attached as

Attachment H.  The source code of the attached message shows that a hyperlink reference URL

in the attached message is:  http://azucoum.undermylip.com/n/soul/fun/main.html.  (To highlight

this URL, I have drawn a rectangle around it on p. 2 of Attachment I.)  This hyperlink reference

URL follows a similar format as that described in paragraph 25 above – the only difference

being the domain name and subdomain used.  As explained above, I received from Microsoft a

web capture of a URL that contained the same path name of /n/soul/fun/main.html.  The source

code of that web capture showed that the hyperlink reference URL ultimately referred recipients

to a web page located on funit.com (the same website promoted by the message), which is

registered to IMG.  My experience showed that, as of August 2006, users were directed not to

the funit.com site, but to smut360.com, which is also registered to IMG.  The attached email

message fails to include the required label within the subject line or initially-viewable area of the

message; contains sexually-explicit material within the initially-viewable area of the message;

and fails to include a valid physical postal address for IMG.  In addition, the attached message

contains an opt-out mechanism that appears *after* the sexually-explicit material, rather than

within the initially-viewable area of the message.  I identified a total of 38 email messages

(including the one detailed above) that promoted the IMG website funit.com, and which

contained the same sexually-explicit image and the same general formatting as the attached

message.  As with the attached email described in this paragraph, each of the other 37 emails in

this group also fails to include the required label with the subject line; contains sexually-explicit

material within the initially-viewable area of the message; fails to include a valid physical postal

address for IMG; and contains an opt-out mechanism that appears after the sexually-explicit

material.

      27.     **Attachment J, pp. 1-2** hereto is a true and correct copy of an email message and

accompanying source code that was sent on July 29, 2004.  This message also promotes the

website funtit.com, but contains a different image than that contained in the messages attached as

Attachments I and J.  The source code of the attached message shows that the hyperlink

reference URL in the attached message is:  http://art.fair-use24.com/n/eur/soul/fun/main2.html.

(To highlight this URL, I have drawn a rectangle around it on p. 2 of Attachment J.)  This

hyperlink reference URL follows a similar format as that described in paragraph 25 above.  As

explained above, I received from Microsoft a web capture of a URL that contained a similar path

name of /n/soul/fun/main.html.  The source code of that web capture showed that the hyperlink

reference URL ultimately referred recipients to a web page located on funtit.com, which is

registered to IMG.  My experience showed that, as of August 2006, users were directed not to

the funtit.com site, but to smut360.com, which is also registered to IMG.  The attached email

message fails to include the required label within the subject line or initially-viewable area of the

message; contains sexually-explicit material within the initially-viewable area of the message;

and fails to include a valid physical postal address for IMG.  In addition, the attached message

contains an opt-out mechanism that appears *after* the sexually-explicit material, rather than

within the initially-viewable area of the message.  I identified a total of 13 email messages (including the email detailed above) that promoted the IMG website funtit.com, and which contained the same sexually-explicit image and the same general formatting as the attached message.  As with the attached email described in this paragraph, each of the other 12 emails in this group also fails to include the required label with the subject line; contains sexually-explicit material within the initially-viewable area of the message; fails to include a valid physical postal address for IMG; and contains an opt-out mechanism that appears after the sexually-explicit material.

28.     **Attachment K, pp. 1-3** hereto is a true and correct copy of an email message and accompanying source code that was sent on July 28, 2004.  This message promotes the website gloryholestation.com.  The source code of the attached message shows that it contains the following hyperlink reference URL:  http://idsau.1-discontinue.com/n/soul/hole/main.html.  (To highlight this URL, I have drawn a rectangle around it on p. 2 of Attachment K.)  I received a web capture of this URL from Microsoft, a true and correct copy of which is located in the folder "http___idsau.1-discontinue.com_n_soul_hole_main.html" on the CD-ROM included as Ex. 15. A true and correct copy of pages that I printed from that web capture and accompanying source code is attached hereto as **Attachment K, pp. 4-5**.  The HTML code shows that the web capture was "mirrored" from idsau.1-discontinue.com_n_soul_hole_main.html, meaning that the web capture preserves what a recipient would have seen when going to this page.  The source code of this page further shows the following encoding:

**<META HTTP-EQUIV=REFRESH**

**CONTENT="0;URL=http://www.gloryholestation.com/t1/pps=scorpion/">**

This HTML code tells the web browser to "refresh" the current page within "0" seconds by

going to another page, which is located at the following web page URL:

http://www.gloryholestation.com/t1/pps=scorpion/.  (To highlight this encoding, I have drawn a

rectangle around it on p. 5 of Attachment K.)  The HTML also shows the following:

**<A HREF="http://www.gloryholestation.com/t1/pps=scorpion/">Click</A></font><BR><BR>**

This code tells the web browser that the word "Click" is a hyperlink, which when clicked directs

users to a web page located at the following URL:

http://www.gloryholestation.com/t1/pps=scorpion/.  (To highlight this encoding, I have drawn a

rectangle around it on p. 5 of Attachment K.)  The web page URL includes the domain name

gloryholestation.com (the same website promoted by the message), which, as previously

discussed, is registered to IMG.  The web page URL also includes the term "pps=scorpion,"

which again includes a reference to the IMG affiliate ID "scorpion."  I viewed this web capture

in August 2006.  At that time, my web browser was immediately redirected to a web page

located at http://www.gloryholestation.com/t1/pps=scorpion/.  A true and correct copy of this

web page is attached hereto as **Attachment K, pp. 6-8.**  The copyright information for IMG is

listed on this web page.  (To highlight this copyright information, I have drawn a rectangle

around it on p. 8 of Attachment K.)  The attached email message fails to include the required

label within the subject line or initially-viewable area of the message; contains sexually-explicit

material within the initially-viewable area of the message; and fails to include a valid physical

postal address for IMG.  In addition, the attached email message contains an opt-out mechanism

that appears *after* the sexually-explicit material, rather than within the initially-viewable area of

the message.  I identified a total of 68 email messages (including the email detailed above) that

contained the same sexually-explicit image and the same general formatting as the attached

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message.  As with the attached email described in this paragraph, each of the other 67 emails in this group also fails to include the required label with the subject line; contains sexually-explicit material within the initially-viewable area of the message; fails to include a valid physical postal address for IMG; and contains an opt-out mechanism that appears after the sexually-explicit material.

29.    **Attachment L, pp. 1-3** hereto is a true and correct copy of an email message and accompanying source code that was sent on July 7, 2004.  This message promotes the website jizzlickers.com.  The source code of the attached message shows that it contains the following hyperlink reference URL:  http://mowrtu.yardsailing.com/n/soul/jizz/main.html. (To highlight this URL, I have drawn a rectangle around it on p. 2 of Attachment L.)  I received a copy of a web capture of this URL from Microsoft, a true and correct copy of which is located in the folder "http___mowrtu.yardsailing.com_n_soul_jizz_main.html" on the CD-ROM included as Ex. 15. A true and correct copy of pages that I printed from that web capture and accompanying source code is attached hereto as **Attachment L, pp. 4-5**.  The HTML code shows that the web capture was "mirrored" from mowrtu.yardsailing.com_n_soul_jizz_main.html, meaning that the web capture preserves what a recipient would have seen when going to this page.  The source code of this page further shows the following encoding:

**<META HTTP-EQUIV=REFRESH**

**CONTENT="0;URL=http://www.jizzlickers.com/t1/pps=scorpion/">**

This HTML code tells the web browser to "refresh" the current page within "0" seconds by going to another page, which is located at the URL http://www.jizzlickers.com/t1/pps=scorpion/. (To highlight this encoding, I have drawn a rectangle around it on p. 5 of Attachment L.)  The HTML also shows the following:

**<A HREF="http://www.jizzlickers.com/t1/pps=scorpion/">Click</A></font><BR><BR>**

This code tells the web browser that the word "Click" is a hyperlink, which when clicked directs

users to a web page located at the following web page URL:

http://www.jizzlickers.com/t1/pps=scorpion/.  (To highlight this encoding, I have drawn a

rectangle around it on p. 5 of Attachment L.)  The web page URL includes the domain name

jizzlickers.com (the same website promoted by the email message), which, as discussed in

paragraph 17 above, is registered to IMG.  The web page URL also includes the term

"pps=scorpion," which again includes a reference to the IMG affiliate ID "scorpion."  I viewed

this web capture in August 2006.  Upon doing so, my web browser was immediately directed not

to the jizzlickers.com site (as the code suggests), but to a web page located at

http://www.smut360.com/enter/jizz-lickers/pps/scorpion/.  I printed a copy of this web page, a

true and correct copy of which is attached hereto as **Attachment L, pp. 6-9.**  (To highlight the

URL for this web page, I have drawn a rectangle around it on p. 6 of Attachment L.)  The URL

for this web page includes the domain name smut360.com, which is registered to IMG (see

paragraph 25 above) and includes a reference to the affiliate ID scorpion.  The attached email

message fails to include the required label within the subject line or initially-viewable area of the

message; contains sexually-explicit material within the initially-viewable area of the message;

and fails to include a valid physical postal address for IMG.  In addition, the attached email

message contains an opt-out mechanism that appears *after* the sexually-explicit material, rather

than within the initially-viewable area of the message.  I identified a total of 45 email messages

(including the email detailed above) that contained the same sexually-explicit image and the

same general formatting as the attached message.  As with the attached email described in this

paragraph, each of the other 44 emails in this group also fails to include the required label with

the subject line; contains sexually-explicit material within the initially-viewable area of the message; fails to include a valid physical postal address for IMG; and contains an opt-out mechanism that appears after the sexually-explicit material.

30.    **Attachment M, pp. 1-3** hereto is a true and correct copy of an email message and accompanying source code that was sent on May 28, 2004.  This message promotes the website tastytranny.com.  The source code of the attached message shows that it contains the following hyperlink reference URL:  http://gpio.candlesword.com/n/soul/tran/main.html.  (To highlight this URL, I have drawn a rectangle around it on p. 2 of Attachment M.)  I received a web capture of this hyperlink reference URL from Microsoft, a true and correct copy of which is located in the folder "http___gpio.candlesword.com_n_soul_tran_main.html" on the CD-ROM included as Ex. 15.  A true and correct copy of pages that I printed from that web capture and accompanying source code is attached hereto as **Attachment N, pp. 4-5**.  The HTML source code shows that the web capture was "mirrored" from gpio.candlesword.com_n_soul_tran_main.html, meaning that the web capture preserves what a recipient would have seen when going to this page.  The source code of this page further shows the following encoding:

**<META HTTP-EQUIV=REFRESH**

**CONTENT="0;URL=http://www.tastytranny.com/t1/pps=scorpion/">**

This HTML code tells the web browser to "refresh" the current page within "0" seconds by going to another page, which is located at the following web page URL:

http://www.tastytranny.com/t1/pps=scorpion/.  (To highlight this encoding, I have drawn a rectangle around it on p. 5 of Attachment M.)  The HTML also shows the following:

**<A HREF="http://www.tastytranny.com/t1/pps=scorpion/">Click</A></font><BR><BR>**

This code tells the web browser that the word "Click" is a hyperlink, which when clicked directs

users to a web page located at the same web page URL:

http://www.tastytranny.com/t1/pps=scorpion/.  (To highlight this encoding, I have drawn a

rectangle around it on p. 5 of Attachment M.)  I viewed this web capture in August 2006.  At that

time, my web browser was immediately directed to a web page located at

http://www.tastytranny.com/t1/pps=scorpion/.   I printed a copy of this web page, a true and

correct copy of which is attached hereto as **Attachment M, pp. 6-10.**  The copyright information

for IMG is listed at the bottom of this web page.  (To highlight this copyright information, I have

drawn a rectangle around it on p. 10 of Attachment M.)  The web page URL includes the domain

name tastytranny.com.  **Attachment M, pp. 11-12** hereto is a true and correct copy (with FTC

login information redacted) of the registration information for this domain name, which shows

that this domain name is registered to IMG.  (To highlight this registration information, I have

drawn a rectangle around it on p. 12 of Attachment M).  This domain name also appears on the

list of domain names produced by IMG (see Attachment A, page 5).  The web page URL also

includes the term "pps=scorpion," which again includes a reference to the IMG affiliate ID

"scorpion."  The attached email message fails to include the required label within the subject line

or initially-viewable area of the message; contains sexually-explicit material within the initially-

viewable area of the message; fails to include a valid physical postal address for IMG.  In

addition, the attached email message contains an opt-out mechanism that appears *after* the

sexually-explicit material, rather than within the initially-viewable area of the message.  I

identified a total of 92 email messages (including the one email detailed above) that contained

the hyperlink reference URL format and the same general formatting as the attached message.

As with the attached email described in this paragraph, each of the other 91 emails in this group

also fails to include the required label with the subject line; contains sexually-explicit material

within the initially-viewable area of the message; fails to include a valid physical postal address for IMG; and contains an opt-out mechanism that appears after the sexually-explicit material.

31.     **Attachment N, pp. 1-3** hereto is a true and correct copy of an email message and accompanying source code that was sent on August 1, 2004.  On its face, the attached message does not indicate a specific website that it promotes.  The source code of the attached message, however, shows that the hyperlink reference URL follows the same pattern as the message attached as Attachment M, which promoted the website tastytranny.com.  This hyperlink reference URL is http://vecbch.light-formula.com/n/soul/tran/main.html.  (To highlight this URL, I have drawn a rectangle around it on p. 2 of Attachment N.)  As explained in paragraph 30 above, I received from Microsoft a web capture of a URL that contained the same path name of /n/soul/tran/main.html.  The source code of that web capture, and my experience, showed that the hyperlink reference URL ultimately referred recipients to a web page located on http://www.tastytranny.com/t1/pps=scorpion/, which includes a domain name registered to IMG and references the affiliate ID scorpion.  The attached email message fails to include the required label within the subject line or initially-viewable area of the message; contains sexually-explicit material within the initially-viewable area of the message; and fails to include a valid physical postal address for IMG.  In addition, the attached message contains an opt-out mechanism that appears *after* the sexually-explicit material, rather than within the initially-viewable area of the message.  I identified a total of 71 email messages (including the email detailed above) that contained the same sexually-explicit images and the same general formatting as the attached message.  As with the attached email described in this paragraph, each of the other 70 emails in this group also fails to include the required label with the subject line; contains sexually-explicit material within the initially-viewable area of the message; fails to include a valid physical postal

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address for IMG; and contains an opt-out mechanism that appears after the sexually-explicit

material.

32.    According to the affiliate payment information produced by IMG, IMG paid

affiliate scorpion $2,057.00.  See Ex. 10.

**IMG Affiliate "teddybear"**

33.    Among the results produced by Microsoft in December 2004, I identified 14

email messages containing sexually-explicit material that were sent by an affiliate that used the

affiliate ID "teddybear" in referring recipients to IMG's websites.  These messages were sent on

July 15, 2004, and promoted the IMG website bootycakes.com.  In paragraph 34 below, I

summarize and attach to this declaration as **Attachment O** an email message that is

representative of these messages.  True and correct copies of the complete set of 14 messages are

included in the folder "Affiliate ID teddybear" on the CD-ROM included as Ex. 15.

34.    **Attachment O, pp. 1-3** hereto is a true and correct copy of an email message and

accompanying source code that was sent on July 15, 2004.  This message promotes the website

bootycakes.com.  The source code of the attached message shows that it contains the following

hyperlink reference URL:  http://vi.yellowstucko.com/n/eur/soul/booty/main.html.  (To highlight

this URL, I have drawn a rectangle around it on p. 2 of Attachment M.)  I received a web capture

of this hyperlink reference URL from Microsoft, a true and correct copy of which is located in

the folder "http___vi.yellowstucko.com_n_eur_soul_booty_main.html" on the CD-ROM

included as Ex. 15.  A true and correct copy of pages that I printed from that web capture and

accompanying source code are attached hereto as **Attachment O, pp. 4-5**.  The HTML source

code shows that the web capture was "mirrored" from

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vi.yellowstucko.com_n_eur_soul_booty_main.html, meaning that the web capture preserves

what a recipient would have seen when going to this page.  The source code of this page further

shows the following encoding:

**<META HTTP-EQUIV=REFRESH CONTENT="0;URL=http://www.bootycakes.com/t1/pps=teddybear">**

This HTML code tells the web browser to "refresh" the current page within "0" seconds by

going to another page, which is located at the web page URL

http://www.bootycakes.com/t1/pps=teddybear.  (To highlight this encoding, I have drawn a

rectangle around it on p. 5 of Attachment O.)  The HTML also shows the following:

**<A HREF="http://www.bootycakes.com/t1/pps=teddybear">Click</A></font><BR><BR>**

This code tells the web browser that the word "Click" is a hyperlink, which when clicked directs

users to a web page located at the same web page URL:

http://www.bootycakes.com/t1/pps=teddybear.  (To highlight this encoding, I have drawn a

rectangle around it on p. 5 of Attachment O.)  I viewed this web capture in August 2006.  Upon

doing so, my web browser was immediately taken to a web page located at

http://www.bootycakes.com/t1/pps=teddybear.  I printed a copy of this web page, a true and

correct copy of which is attached hereto as **Attachment O, pp. 6-8.**  The copyright information

for IMG is listed at the bottom of this web page.  (To highlight this copyright information, I have

drawn a rectangle around it, on p. 8 of Attachment O.)  The web page URL includes the domain

name bootycakes.com (the same website promoted by the message).  The registration

information for this domain name, a true and correct copy of which is attached hereto as

**Attachment O, pp. 9-10**, shows that this domain name is registered to IMG.  (To highlight the

registration information, I have drawn a rectangle around it on p. 10 of Attachment O.)  This

domain name also appears on the list of domain names produced by IMG (see Attachment A,

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page 1). The web page URL also includes the term "pps=teddybear," which includes a reference to the IMG affiliate ID "teddybear." The attached email message fails to include the required label within the subject line or initially-viewable area of the message; contains sexually-explicit material within the initially-viewable area of the message; and fails to include a valid physical postal address for IMG. In addition, the attached email message contains an opt-out mechanism that appears *after* the sexually-explicit material, rather than within the initially-viewable area of the message. I identified a total of 14 email messages (including the email detailed above) that contained the same sexually-explicit images and the same general formatting as the attached message. As with the attached email described in this paragraph, each of the other 13 emails in this group also fails to include the required label with the subject line; contains sexually-explicit material within the initially-viewable area of the message; fails to include a valid physical postal address for IMG; and contains an opt-out mechanism that appears after the sexually-explicit material.

35.     According to the affiliate payment information produced by IMG, IMG paid affiliate teddybear $2,367.16. See Ex. 10

**IMG Affiliate "zillium"** – Microsoft March 2005

36.     In or around February 2005, the Commission requested that Microsoft search its Hotmail trap accounts for messages containing search terms related to websites owned and operated by IMG. On or about March 10, 2005, Microsoft made its search results available to FTC staff by uploading the results to the Preston Gates FTP server. Using a user name and password provided to FTC staff, I accessed the Preston Gates FTP server, downloaded the results to the hard drive of a computer in the FTC's Internet lab, and subsequently saved the results to a

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CD-ROM.  Among the results produced by Microsoft in March 2005, there were five email

messages containing sexually-explicit material that were sent by affiliate "zillium" in referring

recipients to IMG's websites.  True and correct copies of these five messages are included in the

folder "Affiliate ID zillium-2005-Mar" on the CD-ROM filed as Ex. 15.  The five messages were

sent on November 17, 2004, and contained virtually identical images and text, although the

subject lines differed from message to message.  In paragraph 37 below, I summarize and attach

to this declaration as **Attachment P**, an email message that is representative of these messages.

I also explain that the Microsoft web captures show that these email messages direct users to a

website registered to IMG, and that in referring users to this site, this affiliate used the affiliate

ID zillium.

37.    **Attachment P, pp. 1-4** hereto is a true and correct copy of an email message and

accompanying source code that was sent on November 17, 2004.  The source code of the

attached message shows that it contains the following hyperlink reference URL:

http://www.gloryhole.vip7.com.  (To highlight this URL, I have drawn a rectangle around it on

p. 2 of Attachment P.)  I received a web capture of this URL from Microsoft, a true and correct

copy of which is located in the folder "http___www.gloryhole.vip7.com_" on the CD-ROM

included as Ex. 15.  **Attachment P, pp. 5-9** hereto is a true and correct copy of pages that I

printed from that web capture and accompanying source code.  The web capture preserves the

web page to which the hyperlink reference URL contained in the email message immediately

redirected:  www.gloryholestation.com/t2/pps=zillium/index.html.  (To highlight this web page

URL, I have drawn a rectangle around it on pp. 5 and 9 of Attachment P.)  The copyright

information for IMG is also listed on the web page.  (To highlight this copyright information, I

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have drawn a rectangle around it on p. 8 of Attachment P.)  The web page URL includes the

domain name gloryholestation.com, which as previously discussed is registered to IMG, and

includes a reference to affiliate ID zillium.  The attached email message fails to include the

required label within the subject line or initially-viewable area of the message; contains sexually-

explicit material within the initially-viewable area of the message; fails to include a valid

physical postal address for IMG; and fails to include an opt-out mechanism.  I identified a total

of five email messages (including the email detailed above) that contained the same sexually-

explicit images and the same general formatting as the attached message.  As with the attached

email described in this paragraph, each of the other four emails in this group also fails to include

the required label with the subject line; contains sexually-explicit material within the initially-

viewable area of the message; fails to include a valid physical postal address for IMG; and fails

to include an opt-out mechanism.

38.     As discussed in paragraph 12 above, I reviewed the affiliate payment information

produced by IMG, but was unable to locate any payment information for affiliate ID zillium.

### Affiliate ID "imatrix"

39.     Among the results produced by Microsoft in March 2005, there were five email

messages containing sexually-explicit material that were sent by affiliate "imatrix" in referring

recipients to IMG's websites.  True and correct copies of these five messages are included in the

folder "Affiliate ID imatrix" on the CD-ROM filed as Ex. 15.  The five messages, which were

sent on August 7, 2004, contained virtually identical images, text, and subject lines, and

promoted the website jizzlickers.com.  In paragraph 40 below, I summarize and attach to this

declaration as **Attachment Q**, an email message that is representative of these messages.  I also

explain that the Microsoft web captures show that these email messages direct users to a website

registered to IMG, and that in referring users to this site, this affiliate used the affiliate ID

imatrix.

40.    **Attachment Q, pp. 1-2** hereto is a true and correct copy of a representative email

message and accompanying source code that was sent on August 7, 2004.  The source code of

the attached message shows that it contains the following hyperlink reference URL:

http://www.seque9.com/jizzlickers8/.  (To highlight this URL, I have drawn a rectangle around it

on p. 2 of Attachment Q.)  I received a web capture of this URL from Microsoft, a true and

correct copy of which is included in the folder "http_www.seque9.com_jizzlickers8."  A true and

correct copy of pages that I printed from that web capture is a attached hereto as **Attachment Q,**

**pp. 3-8.**  The web capture preserves the web page to which the hyperlink reference URL

contained in the email message immediately redirected:

www.jizzlickers.com/t1/pps=imatrix/index.html.  (To highlight this web page URL, I have

drawn a rectangle around it on pp. 3 and 8 of Attachment Q.)  The copyright information for

IMG is also listed on the web page.  (To highlight this copyright information, I have drawn a

rectangle around it on p. 6 of Attachment P.)  The web page URL includes the domain name

jizzlickers.com, which as discussed in paragraph 17 above, is registered to IMG.  The web page

URL also includes the term "pps=imatrix," which includes a reference to the IMG affiliate ID

"imatrix."  The attached email message fails to include the required label within the subject line

or initially-viewable area of the message; contains sexually-explicit material within the initially-

viewable area of the message; and fails to include a valid physical postal address for IMG.  In

addition, the attached email message contains an opt-out mechanism that appears *after* the

"imatrix." The attached email message fails to include the required label within the subject line or initially-viewable area of the message; contains sexually-explicit material within the initially-viewable area of the message; and fails to include a valid physical postal address for IMG. In addition, the attached email message contains an opt-out mechanism that appears *after* the sexually-explicit images rather than within the initially-viewable area of the message. I identified a total of five email messages (including the email detailed above) that contained the same sexually-explicit images and the same general formatting as the attached message. As with the attached email described in this paragraph, each of the other four emails in this group also fails to include the required label with the subject line; contains sexually-explicit material within the initially-viewable area of the message; fails to include a valid physical postal address for IMG; and contains an opt-out mechanism that appears after the sexually-explicit material.
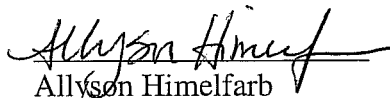
41.     I reviewed the affiliate payment information produced by IMG, but was unable to locate any information for affiliate ID "imatrix."

### Conclusion

42.     Throughout the course of the investigation, 413 sexually-explicit email messages promoting websites registered to IMG were identified in Microsoft Hotmail trap accounts. These email messages were sent by the following affiliate IDs:  b32day, imatrix, scorpion, teddybear, and zillium.

I declare, under the penalty of perjury, that the foregoing is true and correct.

Executed this /s/ day of September 2006 at Washington, DC.

Allyson Himelfarb

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